

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:09-00008

NATHAN A. OXLEY

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On January 5, 2012, the United States of America appeared by Lisa G. Johnston, Assistant United States Attorney, and the defendant, Nathan A. Oxley, appeared in person and by his counsel, Gregory J. Campbell, for a hearing on the petition on supervised release and amendment thereto submitted by United States Probation Officer Patrick M. Fidler, the defendant having commenced a three-year term of supervised release in this action on November 19, 2010, as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on June 29, 2009.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) that the defendant committed the state and local offense of destruction of property on both June 7 and 8, 2011, as evidenced by his admission on the record of the hearing; (2) that the defendant used and possessed controlled substances as evidenced by positive urine specimens submitted by him on March 8, 2011, for marijuana, and on April 4 and 12, May 5 and 19, June 21 and July 5, 2011, for marijuana and methamphetamine; (3) that the defendant failed to attend weekly substance abuse counseling sessions as instructed by the probation officer; (4) that the defendant failed to appear for a urine drug screen on June 28, 2011, as directed by the probation officer (5) and that the defendant failed to reside in a community confinement center as directed by the court for 120 days inasmuch as he enrolled in Transitions, Inc. on September 7, 2011, and was discharged from the program on November 1, 2011, for failing to abide by the rules and regulations of the facility; all as admitted by the defendant on the record of the hearing and as set forth in the petition on supervised release.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

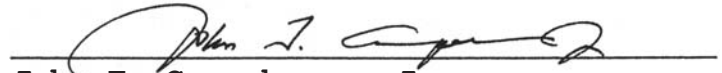
And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, on the basis of the original offense, the intervening conduct of the defendant and after considering the factors set forth in 18 U.S.C. § 3553(a), that the defendant is in need of correctional treatment which can most effectively be provided if he is confined, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of SIX (6) MONTHS, to be followed by a term of thirty (30) months of supervised release upon the standard conditions of supervised release now in effect in this district by order entered June 22, 2007, and the further condition that the defendant not commit another federal, state or local crime and

the special condition that he spend a period of SIX (6) MONTHS in a community confinement center, preferably Transitions, Inc., participate in drug abuse counseling and treatment and follow the rules and regulations of the facility.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: January 13, 2012


John T. Copenhaver, Jr.
United States District Judge